

House Bill 917

By: Representative Burkhalter of the 50th

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed detection devices for traffic enforcement purposes, so as to change provisions relating to prohibited use of speed detection devices by county and municipal law enforcement officers in certain places and certain circumstances; to provide that such officers may use such devices under certain circumstances to provide evidence of certain speeding violations in residential areas; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 14 of Title 40 of the Official Code of Georgia Annotated, relating to use of speed detection devices for traffic enforcement purposes, is amended by striking Code Section 40-14-9, relating to prohibited use of speed detection devices by county and municipal law enforcement officers in certain places and certain circumstances, and inserting in its place a new Code section to read as follows:

"40-14-9.

(a) Evidence obtained by county or municipal law enforcement officers in using speed detection devices within 300 feet of a reduction of a speed limit inside an incorporated municipality or within 600 feet of a reduction of a speed limit outside an incorporated municipality or consolidated city-county government shall be inadmissible in the prosecution of a violation of any municipal ordinance, county ordinance, or state law regulating speed; nor shall such evidence be admissible in the prosecution of a violation as aforesaid when such violation has occurred within 30 days following a reduction of the speed limit in the area where the violation took place, except that this 30 day limitation shall not apply to a speeding violation within a highway work zone, as defined in Code Section 40-6-188.

1 **(b)(1) No Except as otherwise provided in this subsection, evidence obtained from a**
2 speed detection device ~~shall be~~ employed by county, municipal, or campus law
3 enforcement officers on any portion of any highway which has a grade in excess of 7
4 percent shall be inadmissible in the prosecution of a violation of any municipal ordinance,
5 county ordinance, or state law regulating speed.

6 **(2) In the prosecution of a violation of any municipal ordinance, county ordinance, or**
7 state law regulating speed, paragraph (1) of this subsection shall not apply if:

8 **(A) The alleged violation occurred in an area zoned for residential purposes; and**

9 **(B) The evidence establishes that the violation involved exceeding the speed limit by**
10 more than 20 miles per hour."

11 **SECTION 2.**

12 This Act shall become effective on July 1, 2005, and shall apply with respect to offenses
13 committed on or after that date; and prior offenses shall continue to be governed by prior law.

14 **SECTION 3.**

15 All laws and parts of laws in conflict with this Act are repealed.